

**STATE OF INDIANA
BEFORE THE INDIANA ALCOHOL AND TOBACCO COMMISSION**

**IN THE MATTER OF
THE PERMIT OF**

JULIA D. ROBERTS

Permittee.

)
)
)
)
)
)

PERMIT NO. BR 1311603

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A violation hearing was held on May 15, 2006 before Hearing Judge U-Jung Choe. The Alcohol & Tobacco Commission (“ATC” or “Commission”) was represented by its Prosecutor, Jennifer Drewry. Permittee, Julia D. Roberts (“Roberts”) represented herself. Witnesses were sworn, evidence was heard, the parties presented arguments and the matter was taken under advisement. The Hearing Judge now tenders her proposed Findings of Fact and Conclusions of Law to the Commission for its consideration.

I. FINDINGS OF FACT

1. Roberts is a resident of Grant County, Indiana who is employed as a bartender at the Fraternal Order of Eagles #1771, 217 E. Cleveland Street, Alexandria, Indiana.

2. On September 3, 2002, Roberts was convicted of Operating a Motor Vehicle While Intoxicated (“OWI”) in Grant County, Indiana Superior Court 3 under Cause Number 27D03-0207-CM-606. (BMV Records certified March 6, 2006).

3. On or about May 27, 2004, (Roberts) was issued ATC Employee Permit number BR1311603 after duly filing with the Commission her application. (ATC file).

4. On January 31, 2005, Roberts was convicted of OWI in Madison County, Indiana Court 2 under Cause Number 48E02-0405-FD-235. (BMV Records).

5. Roberts was sentenced to probation for the January 31, 2005 OWI conviction, which expires in June, 2006. (Madison County Court Records).

6. Roberts' Employee Permit expired on May 27, 2006. (ATC File).
7. Any Finding of Fact may be considered a Conclusion of Law if the context so warrants.

II. CONCLUSIONS OF LAW

1. Ind. Code 7.1-3-18-9(g) provides

The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if: (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.
2. Pursuant to Ind. Code 7.1-3-18-9(g), Roberts may not presently hold an employee permit. The Commission may not issue an employee permit to Roberts until a minimum of two (2) years after the conclusion of her sentence of probation for her January 31, 2005 OWI offense.
3. Any Conclusion of Law may be considered a Finding of Fact if the context so warrants.

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that the Permittee, Julia D. Roberts, is presently disqualified from holding an ATC permit.

DATED: May 31, 2006

U-Jung Choe, Hearing Judge